

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-3179

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Shirley Byers,

Appellant,

v.

Southwestern Bell Telephone  
Company,

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Arkansas.  
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\* [UNPUBLISHED]  
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Submitted: September 7, 2001  
Filed: September 12, 2001

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Before BOWMAN, BEAM, and HANSEN, Circuit Judges.

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PER CURIAM.

Shirley Byers appeals the District Court's<sup>1</sup> adverse grant of summary judgment in her Americans with Disabilities Act (ADA) employment discrimination action. Having carefully reviewed the record, see St. Jude Med., Inc. v. Lifecare Int'l, Inc., 250 F.3d 587, 595 (8th Cir. 2001) (de novo standard of review), we affirm.

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<sup>1</sup>The Honorable Stephen M. Reasoner, United States District Judge for the Eastern District of Arkansas.

We conclude that the District Court did not abuse its discretion in determining Byers's case was ripe for summary judgment, see Stanback v. Best. Diversified Prods., Inc., 180 F.3d 903, 910-11 (8th Cir. 1999); that Byers failed to establish she had a disability, as that term is defined under the ADA, see Gutridge v. Clure, 153 F.3d 898, 900 (8th Cir. 1998), cert. denied, 526 U.S. 1113 (1999); and that the record did not support an ADA retaliation claim, see Cossette v. Minn. Power & Light, 188 F.3d 964, 972 (8th Cir. 1999).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.